

Opening Statement
of
Edwin G. Foulke, Jr.
Nominee to be Assistant Secretary of Labor
for Occupational Safety and Health
before the
Committee on Health, Education, Labor, and Pensions
United States Senate
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Mr. Chairman and Senators on the HELP Committee,

I am deeply honored to appear before you today. I am also deeply honored to have been nominated to be Assistant Secretary of Labor for Occupational Safety and Health by President Bush and to be supported in my nomination by Secretary Elaine Chao. I am grateful to Senators Lindsey Graham and Jim DeMint for their support. I also would like to introduce to the Committee my wife, Wendy, and to thank her publicly for being so supportive of my returning to Washington to serve our Country. All of you know the personal sacrifices that are associated with public service for our spouses.

Permit me to take just a few minutes to tell you about myself. I grew up in Pennsylvania just outside Philadelphia. I attended college on a swimming scholarship at North Carolina State University in Raleigh where I graduated with honors in political science. I graduated from Loyola University Law School in New Orleans in 1978 and took my first job with a labor and employment law firm representing management in Greenville, South Carolina. It was in this job that I began work in the area of occupational safety and health law.

In October 1989, I was nominated by President George Herbert Walker Bush to be Chairman of the Occupational Safety and Health Review Commission. I served on the Review Commission for five (5) years in both the Bush and Clinton Administrations. The Review Commission is an excellent forum to see first hand that there are two sides to every issue and to appreciate that the law must be fairly applied in all cases.

After leaving the Review Commission in 1995, I joined the Jackson Lewis law firm and have headed up the firm's OSHA practice group nation-wide. I have been involved in all aspects of workplace safety and health law in my twenty plus years of OSHA practice. I have worked for clients in a wide variety of industries and have handled OSHA matters in many states throughout our great Country. As a result, I have worked not only with federal OSHA, but also with many officials in OSHA state plan states. In my practice, I have represented not only large and medium size companies, but also many small family operated businesses. Because of my extensive involvement in the OSHA area, I have come to know many of the top OSHA officials at the federal and state levels. Also, as Chairman of the Review Commission, I was responsible for oversight of the day-to-day operations of the agency. All this previous experience and my background will allow me, if confirmed, to "hit the ground running" at OSHA.

I recognize the importance of this job to our Nation's working men and women. As head of OSHA, I understand that I will be ultimately responsible for helping to ensure as much as possible that every employee in the United States works in a safe and healthy workplace. Because of my years of involvement in this area, I also believe that health and safety in the workplace has positive economic value. Fewer injuries and illnesses mean less loss work time and greater productivity and ability to compete in the world marketplace.

Having been involved in numerous OSHA fatality investigations, I am acutely aware of the devastating effects such accidents have on the families, as well as employers, fellow workers, and the surrounding community. The impact of these tragedies cannot be minimized. For this reason, injury, illness and fatality prevention will continue to be the top priority of OSHA if I am confirmed.

In working to achieve this goal, I believe communication and outreach to all stakeholders in the process is essential. At the Review Commission, I found that the more input I received, the better the decisions I made. In addition, it is important to have measurements in place to determine if progress and success is being made towards the agency's goals. To do this, I will look to set goals for programs or initiatives that not only are achievable, but also are measured accurately. Also, OSHA must ensure that any program initiatives or commitments it undertakes will be adequately funded.

I also understand the importance and the inter-dependence of the three major responsibilities of the OSHA. These are: (1) standard setting and revision, (2) compliance assistance, and (3) enforcement. Each of these aspects contributes to the overall success of OSHA and the achievement of OSHA's ultimate goal of having an effective safety and health program in every worksite in the Country.

Having been involved in hundreds of OSHA inspections and cases, I am aware of the issues OSHA personnel face in carrying out their responsibilities. I understand the challenges OSHA compliance officers encounter in conducting workplace inspections. I realize the importance of continuing to enhance the training and professionalism among the compliance officers. If confirmed, I will look for ways to encourage and reward such professionalism.

I also have heard the concerns of employers, especially small employers, over their lack of knowledge of what is expected of them. Based on my experience, the vast majority of employers wants to have a safe and healthful workplace, but do not have the understanding, processes and/or tools to accomplish this. If confirmed, I will work to provide more tools and assistance to all employers, but especially to the small employers who lack the expertise and resources to have a comprehensive safety program. To achieve this, I will continue to pursue the outreach, education and compliance assistance efforts instituted by my predecessors. This will include expanding partnership and voluntary programs at the local, regional and national levels. However, strong, fair and effective enforcement will still play a visible and active role in OSHA's overall game plan.

Finally, I am aware of the desire of workers throughout our Country who want to work sure in the knowledge they have a safe and healthful job. If confirmed, I will devote the time

and energy to provide the assistance and information they need and in a language they understand to help them achieve that desire.

In closing, if confirmed, I will work tirelessly to improve the safety and health of all working individuals in America. While OSHA has done much to improve safety and health in the United States, there is still much that can be accomplished. I want OSHA to expand its outreach and to partner with all stakeholders working toward the common goal of substantially reducing all occupational injuries, illnesses and fatalities. I want to make a positive contribution in making OSHA “the resource” that all employers, especially small employers, as well as all working men and women, are encouraged to turn to, without fear, to receive assistance, and for answers to all their safety and health needs. The more successful we are, the greater will be the numbers of employers and workers who recognize that instituting a comprehensive safety and health program not only provides tangible benefits, but will also assist those businesses to become more competitive at local, national and global levels. Finally, I want to help ensure that OSHA is effectively using its resources to improve workplace safety and health and that its programs and initiatives are yielding the maximum results for workers and their employers alike.

I thank the Committee for allowing me this time to make these remarks. I will be happy to answer any questions the members of the Committee may have.